

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. 09 - 608
	:	
v.	:	DATE FILED: September 9, 2009
	:	
PAUL KURTZ	:	VIOLATIONS:
	:	18 U.S.C. § 641 (conversion of government
	:	funds – 1 count)
	:	18 U.S.C. § 981 (criminal forfeiture)

INFORMATION

COUNT ONE

THE UNITED STATES ATTORNEY CHARGES THAT:

At all times material to this information:

1. The United States Office of Personnel Management (“OPM”), an agency of the United States, administered certain government benefit programs, including the Civil Service Retirement System (“CSRS”).

2. The CSRS benefits program is afforded to federal employees, known as the “annuitant,” upon retirement from civil service. The annuitant receives CSRS benefits throughout his or her lifetime, derived from a retirement computation based on age, average salary, and length of federal service, as provided under Title 5, Chapter 89, Code of Federal Regulations (“CFR”). Prior to retirement, an annuitant has the option to choose a spousal benefit where, upon the annuitant’s death, a lesser portion of the annuity would be transferred to the surviving spouse. The maximum spousal benefit cannot exceed 55% of the retirement benefit paid to the retired federal employee. There is no benefit for the surviving children, except for children under 18 years of age, or 22 years of age if a full-time student. A survivor annuity is payable only upon OPM’s approval

of an application from the eligible family member. To monitor the vital status of annuitants, OPM routinely performs computer matching with the Social Security Administration's death records. Inquiries are then sent to annuitants either for updating addresses if the annuitant is alive, or to request death information if the annuitant is deceased.

3. Roberta Kurtz, the mother of defendant PAUL KURTZ, received OPM survivor annuity benefits during her lifetime. The OPM deposited Roberta Kurtz's OPM annuity payments directly into her PNC bank account.

4. Roberta Kurtz died on November 13, 2003.

5. OPM was not timely notified of Roberta Kurtz's death. Unaware that Roberta Kurtz had died, OPM continued to deposit Roberta Kurtz's monthly benefits checks directly into her bank account.

6. In or about April 2007, over three years after Roberta Kurtz's death, OPM learned that Roberta Kurtz had died, and terminated her OPM payments.

7. Defendant PAUL KURTZ improperly received approximately \$60,153.31 in OPM payments that were intended for Roberta Kurtz, who was deceased, which defendant KURTZ knew he was not entitled to receive.

8. Beginning in or about November 2003 and continuing through in or about April 2007, in the Eastern District of Pennsylvania, defendant

PAUL KURTZ

knowingly converted to his own use money of the United States in excess of \$1,000, that is, approximately \$60,153.31 in OPM payments that were intended for Roberta Kurtz, who was deceased.

In violation of Title 18, United States Code, Section 641.

NOTICE OF FORFEITURE

THE UNITED STATES ATTORNEY CHARGES THAT:

1. As a result of the violation of Title 18, United States Code, Section 641, set forth in this information, defendant

PAUL KURTZ

shall forfeit to the United States of America:

- (a) any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission such offense; and
- (b) any property constituting, or derived from, any proceeds obtained directly or indirectly from the commission of such offense.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 28, United States Code, Section 2461(C), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant(s) up to the value of the property subject to forfeiture.

All pursuant to Title 28, United States Code, Section 2461(C), and Title 18,
United States Code, Section 981(a)(1)(C).

/s/ Michael L. Levy
MICHAEL L. LEVY
UNITED STATES ATTORNEY